

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO.: 2:06cr123-MHT
)	
HORACIO JAIMES-ALBITER)	
CARLOS SOLANO-OLASCOAGA)	
FRANCISCO ULLOA-JIMINEZ)	
JULIO CESAR ZAVALA-ULLOA)	

ORDER

The defendants, HORACIO JAIMES-ALBITER, CARLOS SOLANO-OLASCOAGA, FRANCISCO ULLOA-JIMINEZ, and JULIO CESAR ZAVALA-ULLOA, have indicated to the court that they wish to enter a change of plea. Therefore, it is ORDERED as follows:

1. The defendants shall appear with counsel before the undersigned Magistrate Judge on 31 July 2006 at 9:00 a.m. in Courtroom 5A, Frank M. Johnson, Jr. Federal Building and United States Courthouse Complex, One Church Street, Montgomery, Alabama, to enter a change of plea.
2. Counsel for each defendant is DIRECTED to have all of the appropriate documents, including the Consent form and the original plea agreement, executed by the defendant and tendered to the Clerk before the guilty plea proceeding begins.
3. The Clerk is directed to provide a court reporter and an interpreter for this

proceeding.

There were initially six defendants indicted in this case. One of them, OMAR TORRES-VAZQUEZ, entered his guilty plea on 21 July 2006 (Doc. # 124). An order was entered on 18 July 2006 setting the guilty plea proceeding for a second defendant, JOSEPH ANTHONY GUITERREZ, on 31 July 2006, at the same time as the four defendants named in the style of this order. Thus, on 31 July 2006, five of the six defendants in this case will enter guilty pleas. Because this case requires a court reporter and because this court deems it an inefficient use of judicial resources and time to conduct separate colloquys, it is further

ORDERED that the United States Marshal or the person having custody of the defendant shall produce the five defendants for this proceeding, and the Marshal is DIRECTED to provide a sufficient number of deputies and/or court security officers for this proceeding to enable the court to conduct a guilty plea colloquy with all five of the defendants simultaneously.¹

DONE this 27th day of July 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE

¹The court is mindful of and sensitive to the security of the courtroom during this proceeding, but notes further that, appearing in court together with their lawyers, all of the six defendants were simultaneously arraigned on 17 May 2006.

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CONSENT

I, _____, hereby declare my intention to enter a plea of guilty in the above case, and after conferring with my lawyer, I hereby consent to have a United States Magistrate Judge conduct the proceedings required by Rule 11 of the Federal Rules of Criminal Procedure incident to the making of such a plea and to adjudicate me guilty based on my plea of guilty. I understand that the District Judge to whom this case is assigned will decide later whether to accept or reject any plea agreement I may have with the United States and will impose sentence.

Done this the ____ day of July, 2006.

CONSENTIMIENTO

Yo, _____, por ésta declaro mi intención de presentar una declaración de culpable en la causa referida arriba, y que después de conferir con mi abogado, por la presente doy mi consentimiento para que un juez magistrado de los Estados Unidos conduzca la audiencia requerida por la regla 11 de las reglas federales de procedimientos penales incidente a dar tal declaración y que me adjudique culpable basado en mi declaración de culpable. Yo entiendo que el juez de distrito al cual se le ha dado esta causa más adelante decidirá si aceptar o rechazar cualquier convenio de declaración que yo pueda tener con la fiscalía de los Estados Unidos y me impondrá la sentencia.

Hecho este día ____ de _____, 2006.

Defendant/Acusado

Attorney/Abogado